IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4908 of 1997

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAHENDRA M VARIYA - Petitioner(s)

Versus

MUNICIPAL CORPORATION OF VADODARA. & 1 - Respondent(s)

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Appearance :

MR RD RAVAL for Petitioner No(s).: 1.

MR PRANAV G DESAI for Respondent No(s).: 1,2.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 12/07/2005

ORAL JUDGMENT

1. The petitioner by way of this petition has prayed to quash and set aside the penalty order dated 22nd November, 1996 passed by the Deputy Municipal Commissioner.

2. Mr. Raval learned advocate for the petitioner

states that pursuant to the order passed by this Court in Civil Application No. 9129 of 2002 dated 09/04/2003, the respondent Corporation has considered the representation dated 15.5.2002 made by the petitioner. The copy of the order dated 14.11.2003 passed by the respondent Corporation is taken on the record. He has further submitted that so far as the other issues are concerned, the petitioner shall make a representation before the respondent Corporation.

3. I have heard the learned counsel for the parties. In view of the statement made by Mr. Raval, the petitioner is directed to prefer a representation before the respondent Corporation with regard to the issues stated by the learned advocate for the petitioner. If such a representation is preferred by the petitioner, the respondent Corporation shall consider the same in accordance with law and shall decide the same within a period of six months from the date of receipt of such representation.

4. With the above directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs. Interim relief if any, stands vacated.

[K.S. JHAVERI, J.]

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